IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 795 of 1999

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

THAKOR JAWANJI SHAKRAJI

Versus

HEIRS & L.R. OF DECD. THAKOR MAGANJI

Appearance:

1. Civil Revision Application No. 795 of 1999

MR HM PARIKH for Petitioner No. 1-2

MR CB DASTOOR for Respondent No. 1/1-1/4

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 10/02/2004

ORAL JUDGEMENT

The petitioners are the original defendants of Regular Civil Suit No.9 of 1991 pending in the court of the learned Civil Judge (J.D.), Dehgam. The aforesaid suit was filed by one Thakor Maganji who died during the pendency of the suit and his heirs are already brought on

record. The case of the plaintiff is that he is in possession of the disputed property and the defendants have no right, title or interest in the said agricultural land. Since this Civil Revision Application is being disposed of with the consent of the parties, it is not necessary to go into the details of the case. Suffice it to say that in the said suit the application exh.5 was rejected by the trial court against which appeal was preferred before the District Court by the original plaintiff and the learned appellate judge by the impugned order dated 10th March, 1995 allowed the said appeal and the defendants were restrained by way of injunction from interfering with the possession of the plaintiffs in the suit property. The defendants were also restrained from cultivating the aforesaid property.

This Court while admitting this revision application in the year 1999 stayed the said order of the appellate court.

Today when the matter is called out for final hearing, both the learned advocates have jointly submitted that considering the facts of the case it is desirable that the trial court be directed to dispose of the suit expeditiously and till then the status quo prevailing as on today be ordered to be continued. In view of the aforesaid joint request of both the learned advocates and with the consent of the advocates, the following order is passed:-

Regular Civil Suit No.9 of 1991, pending before the learned Civil Judge (JD) at Dehgam, is ordered to be expedited and the learned Civil Judge shall decide the suit latest by 31st October, 2004. During the pendency of the said suit status quo prevailing as on today to be maintained by both the sides. This Court has not expressed anything on merits and the suit shall be decided on its own merits and in accordance with law.

In view of the aforesaid observations and directions, this civil revision application stands disposed of. Rule is discharged. No order as to costs.

(P.B. Majmudar, J.)
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